New Mexico Land Grant Council (NMLGC)
May 30, 2017 - 10:00 am
UNM Continuing Education - Room D
1634 University Blvd NE
Albuquerque, NM 87102

Minutes - FINAL

Regular Council Meeting

1. Call to Order and Roll Call

Chairman Juan Sánchez called the meeting to order at 10:12am. Roll call of the Council members: Leonard Martínez, Rita Padilla-Gutiérrez, Macario Griego, and Juan Sánchez were present. Lee Maestas was absent.

2. Introduction of Guests

Juan Sánchez (NMLGC); Macario Griego (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Leonard Martínez (NMLGC); Lisa Rivera-Morrison (BLM); Sara Schlanger (BLM); Marlo Aragón (Office of the Attorney General); Michelle Jacquez-Ortiz (Office of U.S. Senator Tom Udall); Patricia Domínguez (Office of Sen. Martin Heinrich); Arturo Archuleta (staff – NMLGC/UNM-LGSP); Cheyenne Trujillo (staff – NMLGC/UNM-LGSP); Antonio Maestas (intern – NMLGC/UNM-LGSP); Joe B. Chávez (San Miguel del Bado LG); Tim Hagaman (NMEDD)

3. Approval of Agenda

Councilor Macario Griego made a motion to move agenda items 9 and 10 up to item 6; Councilor Rita Padilla-Gutiérrez seconded the motion. Motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of April 21st, 2017

Councilor Padilla-Gutiérrez motioned to approve the meeting minutes of the April 21st, 2017 Council meeting; Councilor Griego seconded the motion. Motion was approved unanimously.

5. Discussion and Possible Action on BLM Update

Sara Schlanger, director of the BLM Taos Field Office, reported that she visited the three cemeteries on BLM land that the San Miguel del Bado Grant would like to acquire. Because the properties were on the disposal list on the 2012 BLM Resource Management Plan (RMP), the San Miguel del Bado Grant can make a transfer request through the Recreation and Public Purposes Act (RPPA) or request a direct sale of land to their grant.
Ms. Schlanger described the process by which BLM identifies land for disposal in the RMP. The land is considered in trespass since there is no paper trail or approvals of the use. The way BLM tries to resolve this is to sell the land to the entity trespassing. If they use RPPA the land grant must develop a plan of management and if approved the BLM would initially lease it then move to patent it to the land grant. The other option is a direct sale in which the BLM would sell the property directly to the land grant without any stipulations if RPPA

the use would have to be limited to what is in proposal. Councilor Rita Padilla asked was the cost would be, Ms. Schlanger stated that a sale would be subject to a fair market value appraisal. Under the RPPA, BLM can apply a 50% discount if open to all the public or a 10% discount if limited certain members (such as a parish or land grant descendants). The appraisals cost $5,000.00, have a shelf life of only 6 to 12 months and include a required land survey and environmental survey. Typically the appraisal is paid by the purchaser, as well as survey work. The only way to get relief from the price is through direction from Congress. Environmental work can be done in house. The Land Grant can also ask for enough acreage to continue to use the cemetery into the future. The BLM would want to include the access roads as part of the transactions as well. The entire tract in question can only include no more than 10 acres.

Patricia Domínguez (Sen. Martin Heinrich's office) recommended adding language to the Traditional Use Consultation legislation that would allow for special pricing for acquiring historic cemeteries. Michelle Jacquez-Ortiz (Sen. Tom Udall's office) asked if the San Miguel del Bado land grant were to lease the property initially is it likely that they would lose the lease at some point in the future. Ms. Schlanger stated that the plan of development required by BLM would have to be adhered to by the leasee and an issue with use would only arise of the land grant made a significant change of use or depart from original plan. Ms. Schlanger also stated that BLM would put a non-reversionary clause in the disposal so that the land does not come back to BLM. There is also RPPA special pricing rules ($10 dollars of acres with a minimum price of $50) for certain activities, perhaps applicable would be public health, social welfare, and public parks. Council Martinez said perhaps the Council can work with the BLM to figure how lower the cost and find a way to help San Miguel del Bado LG with the costs. Joe Chávez (San Miguel del Mado LG) asked if the Traditional Use Legislation draft could be amended to include language about special pricing for cemetery. Ms. Schlanger then stated that the Rio Grande del Norte National Monument Plan is still in draft form. The time for review and comments by cooperating agencies has been extended to June 9th.

Ms. Schlanger then gave a brief update on the Verde Transmission Line application. BLM is in the process of reviewing the application which includes public meetings and cooperative agency meetings. The cooperative agency meetings have focused on coming up with alternative routes that could address concerns raised during the public scoping. Councilor Martínez asked about the effect of the Trump Administration to undo the two National Monuments in New Mexico (Organ Mountains & Rio Grande del Norte). There is a public comment period relating to the review of the status of National Monuments under the Trump administration. Councilor Martinez also asked about the RAC's and Lisa Rivera Morison stated that the administration wants to review who is on the RAC's and therefore all RAC meetings have been postponed till least September. Councilor Martínez raised some questions about the Cooperating Agency Agreement for the Farmington RMP. He wanted to know who is in charge, the BIA or the BLM? Ms. Rivera-Morison stated that it is a joint effort where they are equal partners in the decision making for the Environmental Impact Statement and final plan. BLM and BIA would both implement the final decision on their respectively managed lands.

6. Discussion and Possible Action on Forest Service Update
Arturo Archuleta (NMLGC) gave an update regarding the MOU between the NMLGC and Region 3 of the US Forest Service. He had met with Erica Luna (New Mexico liaison for USFS) to review and propose changes waiting to hear back from the USFS.

Arturo Archuleta reported that the Santa Fe National Forest has sent a cooperating agency agreement to the Council. Councilor Martínez made a motion that the Council approve the agreement to serve as a cooperating agency in the formulation of the Santa Fe National Forest Land and Resource Management Plan; motion was seconded by Councilor Griego. Motion was approved unanimously.

7. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update
Marlo Aragón gave an update on work since the last meeting. She also reported that the Attorney General is looking at ways to continue to fund the Treaty Division in the next Fiscal Year.

8. Discussion and Possible Action on Legal Services Contract Update
David Benavides called into the meeting and gave an update over the phone. He has continued to work with the Tajique Land Grant on water rights declarations and on a letter to the new East Mountain Water Authority on behalf of four East Mountain land grants. New Mexico Legal Aid is also wrapping up is work on the Dennis Wells estate case (Tierra Amarilla LG). It has finished the water declaration and adverse possession facts sheets, and is continuing to work on the taxation, donations and board vacancies fact sheets. They also are working with the San Antonio del Las Huertas LG regarding board vacancies, the Abiquiú LG on water rights declarations, and are drafting a letter to the Archdiocese of Santa Fe for the San Joaquin del Rio de Chama LG regarding religious and spiritual properties associated with land grant communities that are owned but no longer used by the Archdiocese. Mr. Benavides asked if the Council had any input or priorities on the work list that he previously provided. Chairman Sanchez said that he was comfortable with the list NM Legal Aid provided and believed that Mr. Benavides should proceed to work on the items as they arise. Councilor Padilla-Gutierrez asked that we spend some time on the *U.S. vs. Sandoval* case*.* David mentioned that he came up with some legal research on the U.S. v. Sandoval case that he sent to Dr. Garcia y Griego and Dr. Jacobo Baca, with the intention to have a follow meeting to discuss. David also mentioned that he met with Arturo Archuleta, Marlo Aragon, Councilor Martínez, and Cheyenne Trujillo to go over items that need to be addressed by the Land Grant Interim Committee.

9. Discussion and Possible Action on Council FY 2017 & FY 2018 Budgets
Mr. Archuleta presented the May 2017 budget update. He then presented the FY 2018 Budget; Councilor Padilla-Gutiérrez asked if financial support to land grants is sufficient. Councilor Martínez expressed frustration with land grants not having enough budgetary capacity to support their individual program of work. Also he asked that we list the active land grants in the Guidebook when next published. A motion to approve the FY 2018 budget was made by Councilor Griego; the motion was seconded by Councilor Padilla-Gutiérrez. The motion passed unanimously.

10. Discussion and Possible Action on UNM Contract

Mr. Archuleta presented the UNM Contract update. Councilor Padilla-Gutiérrez made a motion to approve the UNM Contract update; Councilor Griego seconded the motion. The motion passed unanimously.

11. Discussion and Possible Action on Land Grant Support Fund

None.

12. Discussion and Possible Action on Federal and State Legislation

Federal Legislation –

Chairman Sánchez mentioned that he spoke with Nick Maestas from Congressman Lujan's Office and he stated that the Congressman has the draft of the bill but has not had given any word his approval or changes. Mr. Archuleta read an update from Ms. Elizabeth Reitzel from Congresswoman Lujan-Grisham, which included news that she is continuing to work on Equip legislation and will be sending a Farm Bill mark up for the Council to comment on soon. Michelle Jácquez-Ortiz reported that Sen. Udall's office is working on the Equip legislation in the Senate and she also reported that she and Sen Udall's D.C. staffer participated in a meeting with the Land Grant leadership to discuss a Trust Fund/Endowment fund for Land Grants. Patricia Domínguez from Sen. Heinrich's office reported that there is an amendment to the Wilderness Act being proposed to allow for mountain biking in wilderness areas.

State Legislation –

Councilor Martínez brought up a concern that tickets were issued by the Española Ranger District to approximately 8 individuals that picked up wood from a wood cutting project along the power lines between Chili to Tierra Azul. Apparently the tickets were issued for driving along the power line, which is considered a roadless area. Tickets were not issued in the field but rather license plate numbers were taken and tickets were mailed to the individuals. Patricia Domínguez of Sen. Heinrich's Office stated that it would be good to get letters of concern from the affected community members or even from the Council. Chairman Sánchez gave an overview of ideas for the Interim Committee that had been reviewed. Tim Hagaman (NM EDD) brought up the availability Lead Grants from the State Economic Development Department. Representative Miguel P. Garcia will be chair of the Interim Comittee this year; the NMLGC we will meet to discuss FY 2018 priorities with Rep. Garcia.

13. Discussion and Possible Action on Land Grant Registry

The Council has received letters from the San Miguel del Bado Land Grant and the Town of Tomé Land Grant with updated lists of current elected officials.

14. Discussion and Possible Action on Correspondence Received by the Council

None.

15. Discussion and Possible Action on Land Grant Studies Program Update

Antonio Maestas, an heir of the Chililí LG and McNair Program intern with the UNM LGSP from Earlham University, discussed his research project.

16. Discussion and Possible Action on Staff Assignments
Mr. Archuleta provided an update on progress of the staff's analysis of the Hassell Report.

17. Public Comments – discussion only
Daniel Antonio Herrera (Manzano LG) discussed the administration of the Manzano LG and how the statutes of the grant might be adjusted. It was recommended that Mr. Herrera raise the issue with the Treaty Division, with the Interim Committee and with the NM Land Grant Consejo.

18. Date and Location for next Council Meeting
The Council will next meet on Thursday, June 22nd, 2017in Albuquerque, NM, location to be determined.

19. Adjournment
Councilor Martínez made a motion that the meeting adjourn. Councilor Griego seconded the motion. Motion passed unanimously. The meeting adjourned at 1:15pm.

Approved:

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Chair Date